

Remarks

Claims 1-17 and 20-25 are pending in the subject application. By this Amendment, Applicants have amended claims 1, 8, 11, 13, and 15 and canceled claim 16. Support for the amendments can be found in the claims as originally filed and throughout the subject specification. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1-15, 17, and 20-25 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Applicants gratefully acknowledge the Examiner's indication that claims 2-8, 16, 17, and 20 are objected to but would be allowable if rewritten to overcome the rejection of the claims under 35 USC §112, first paragraph, and rewritten into independent form to include the limitations of any base and intervening claims.

Claims 1 and 15 are rejected under 35 USC §102(b) as anticipated by Gani *et al.* (WO 98/12201). The Examiner asserts that the Gani *et al.* publication teaches a compound of formula R<sup>1</sup>Y<sup>\*</sup>L where R<sup>1</sup> is a heteroalkyl, Y<sup>\*</sup> is phosphorylated tyrosine, and L is leucine. By this Amendment, Applicants have amended claims 1 and 15 to recite that the R<sup>1</sup> substituent is an optionally substituted aryl or heteroaryl. Applicants note that claims wherein R<sup>1</sup> is an aryl or heteroaryl are not included under this rejection. Accordingly, reconsideration and withdrawal of the rejection under §102(b) is respectfully requested.

Claims 1, 9, 15, and 21-25 are rejected under 35 USC §112, first paragraph, as lacking adequate written description. The Examiner asserts that there is insufficient description of a common core structure of R<sup>1</sup> that would allow an ordinarily skilled artisan to practice the claimed invention. Applicants respectfully assert that there is adequate written description of the claimed invention. However, by this Amendment, Applicants have amended claims 1 and 15 as noted herein such that R<sup>1</sup> is an aryl or heteroaryl. Also, in regard to claim 15, Applicants note that the claim has been amended to incorporate the limitation of dependent claim 16 (which is not included under this rejection). In regard to those claims which specify that R<sup>1</sup> is optionally substituted with one or more substituents listed in the Markush group, Applicants respectfully assert that there is written description for the claimed genus. The subject specification provides a sufficient number of representative species of the genus to establish that Applicants were in possession of the claimed

invention. Satisfaction of the written description requirement does not require that an applicant for patent prepare and test every possible species encompassed within a genus. In addition, the Patent Office must accept the disclosure in a patent application as true unless the Office can provide specific reasons to doubt the validity of the application. *In re Marzocchi*, 169 USPQ 367 (CCPA 1971). Thus, Applicants respectfully assert that the subject specification provides sufficient written description to establish that the Applicants were in possession of the claimed invention. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, first paragraph, is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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